## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

In re: Vicky Rodriguez-Torres
Debt.or

Vicky Rodríguez-Torres Plaintiff

v.

Enid López-López Guillermo Camba-Casas Mariela Rexach-Rexach Government Development Bank PR, et al. Defendants Case 10-bk-00137-BKT Vicky Rodríguez-Torres v. Mariela Rexach-Rexach

Exhibit 1

09-10864-BKT7 Chapter 7

ADVERSARY PROCEEDING 10-00137-BKT

18 U.S.C. § 1030, 18 U.S.C. § 2510, 18 U.S.C. § 2701, 42 U.S.C. § 1983, 42 U.S.C. § 1985, 42 U.S.C. § 1988, TORTS

### DISCOVERY PLAN PURSUANT TO FED. R. CIV. P. 26(f)

Pursuant to Fed. R. Civ. P.26(f) - made applicable to bankruptcy proceedings by Fed. R. Bankr. P.7026 - Debtor hereby submits her Discovery Plan in accordance with P.R. LBR 7026-1(a):

- Debtor confirms that the parties have made all initial disclosures under Fed. R. Bankr. P. 7026(a)(1) by October 15<sup>th</sup>, 2010.
- 2. Debtor intends to conduct discovery concerning the following
   subjects:
  - a. Conspiracy to deliberately and willfully destroy evidence between all co-defendants;
  - b. Negligent and gross negligent spoliation of evidence;
  - c. Obstruction of justice and interference with Debtor's civil actions;

- d. Abuse of computer access rights to alter electronic communications and prevent the subsequent legitimate access to the same;
- e. GDB's Electronic Messaging And Collaboration Architecture, hosted by the Microsoft Exchange Server 2003 Enterprise Edition software:
  - 1. Access definition for Mailboxes:
  - 2. Definition of Organizations, Administrative Groups and Data Storage;
  - 3. User and Contact administration;
  - 4. Mailbox administration and parameterization of: Delivery Restrictions, Permissions, Storage Limits, Deleted Item Retention;
  - 5. Definition of Security and Distribution Groups;
  - 6. Directory Security and Control;
  - 7. Auditing and Auditable Events;
  - 8. Definition of Recipient Policies;
  - 9. Definition of Store Policies;
  - 10. Controlling the Information Store and Indexing;
  - 11. Backup and Recovery Plan;
  - 12. Global Settings for Group, Administration, and Organization Containers;
  - 13.Monitoring, Logging, and Tracking of Messages.
- f. GDB's computer and data control security policies and procedures, including, but not limited to Microsoft Windows Server 2003;

- q. GDB's Business continuity plan;
- h. GDB's failure to preserve, search and retrieve electronic
   evidence;
- i. External and in-house counsel's failure to supervise the preservation, search and retrieval of responsive electronic evidence;
- j. Electronic communications between all co-defendants, amongst themselves and other third-parties not appearing in this case, regarding all of the above elements and causes of action described in the Complaint;
- 3. Debtor anticipates that discovery will be completed within the following time frame:
  - a. Interrogatories and Requests for Production of Documents to be served by November 5th, 2010;
  - b. Answers and objections due by December 10th, 2010;
  - c. Reaction to Answers and Objections due by <u>December 24th</u>,
    2010;
  - d. Reply to Reactions due by January 14th, 2011;
  - e. Motions to compel o otherwise resolve discovery disputes due by <u>January 28th</u>, <u>2011</u>;
  - f. Deposition of Guillermo Camba taken the week ending on:
    <u>January 14th, 2011</u>;
  - g. Deposition of Enid Lopez taken the week ending on: January
    14th, 2011;
  - h. Deposition of Mariela Rexach taken the week ending on:
     January 21st, 2011;

- i. Deposition of GDB 30(b)(6) witness on Exchange Server

  Management taken the week ending on: January 28th, 2011;
- j. Deposition of GDB 30(b)(6) witness on Computer and Data
  Security taken the week ending on: January 28th, 2011;
- k. Deposition of GDB 30(b)(6) witness on Legal Compliance
  taken the week ending on: January 28th, 2011.
- 4. Deadline to join other parties or amend the pleadings:
  November 5th, 2010.
- Joint Pretrial Order will be filed on or before: <u>November 26<sup>th</sup></u>,
   2010.
- 7. Debtor believes that referral of this matter for mediation would not be helpful.
- 8. Debtor believes that a Pretrial conference would not be helpful.

Submitted in New York, New York, this 15<sup>th</sup> day of October, 2010.

#### S/William E. Meléndez Menéndez

William E. Meléndez Menéndez

USDC PR No. 226902

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#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system

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which will send notification of such filing to all parties in interest.

In New York, New York, this 15th day of October, 2010.

S/William E. Meléndez Menéndez William E. Meléndez Menéndez USDC PR No. 226902